

REMARKS

This responds to the Office Action mailed on April 12, 2007.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1, 3-5, 7-9, 11-13, and 15-16 are now pending in this application.

§ 102(e) Rejection of the Claims

Claims 1, 3-5, 7-9, 11-13, and 15-16 were rejected under 35 U.S.C. §102(e) as being anticipated by Coffman (U.S. Patent Application Publication No. 2004/0215467).

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation for the reason that the cited reference fails to set forth each and every element of Applicants' claimed invention.

Claim 1 recites:

A network-based commerce system including:

- a processor coupled to a memory through a bus; and
- an auction price-setting process executed from the memory by the processor to cause the processor to receive a question associated with a listing for an item during the auction price-setting process, and to provide an answer to the question via a communications network, the providing of the answer including publishing the question and the answer on the listing for the item.

Coffman does not anticipate all claim elements.

The Office Action asserts that, "Coffman discloses a network-based commerce system including . . . publishing the question and the answer *on the listing for the item*. (Coffman: paragraph 0136)." (Office Action, page 3, paragraphs 4-6, emphasis added). Applicants respectfully disagree.

With respect to questions and answers, Coffman discusses a "Web page screen" containing "RFQ generation options," a "Q&A Log" (described as a "window or log of questions and answers"), and a "questions and answers web page," none of which are used, "...to receive *a question associated with a listing for an item during the auction price-setting process*, and to provide an answer to the question via a communications network, the providing of the answer including publishing the question and the answer *on the listing for the item*," as recited in claim 1. (Emphasis added).

As cited in the Office Action, Coffman describes, "[a] Display Q&A Log link 1440 [that] allows [an] *author* to click on the link to display a window or log of questions and answers posted at the auction Web site." (Coffman, paragraph 0136, emphasis added). This link (Coffman, reference 1440) is part of, "a Web page screen displaying additional RFQ *generation* options." (Coffman, Fig. 14, and paragraph 0028, emphasis added). Coffman expressly states this Web page screen (Coffman, reference 1400) "includes additional features *for the author*." (Coffman, paragraph 0131, emphasis added). Coffman describes several authoring tools on this Web page screen, including *inter alia*:

- a "Create New Author" field, (Coffman, reference 1402 and paragraph 0127);
- a "Create New Buyer" field, (Coffman, reference 1412 and paragraph 0128);
- a "Create New Technical Review Team Member" field, (Coffman, reference 1420 and paragraph 0128);
- a "Password Protect?" link, (Coffman, reference 1422 and paragraph 1422);
- an option to "Open [the auction] to Unqualified Suppliers," (Coffman, reference 1426 and paragraph 0131);
- a "Postpone Auction Until" field, (Coffman, reference 1434 and paragraph 0134);
- an "Edit/Amend RFQ" link, (Coffman, reference 1438 and paragraph 0135);
- a "Cancel RFQ" link, (Coffman, reference 1436 and paragraph 0134); and
- a "Submit RFQ" button, (Coffman, reference 1430 and paragraph 0148).

Accordingly, the Web page screen described in Coffman enables an author to alter the parameters of an auction or cancel an auction outright. (Coffman, Fig. 14 and paragraphs 0126 - 0155). Nothing on the Web page screen of Coffman lists an item. Therefore, the "Display Q&A Log" link of Coffman does not disclose, "[receiving] a question associated with a listing for an

item during the auction price-setting process, and [providing] an answer to the question via a communications network, the providing of the answer including publishing the question and the answer *on the listing for the item*," as recited in claim 1. (Emphasis added).

Moreover, the "window or log of questions and answers" of Coffman (paragraph 0136) is not a listing for an item. This window or log is displayed to an *author* upon clicking a "Display Q&A Log" link. (Coffman, reference 1440 and paragraph 0136). Hence, the "window or log of questions and answers" of Coffman is the "Q&A Log" of Coffman.

Coffman describes this "Q&A Log" as including at least four fields: "question number," "question," "response," and "response author." (Coffman, paragraphs 0136 - 0140). The "Q&A Log" of Coffman may permit cutting and pasting of text, and may include a "Submit" button. (Coffman, paragraph 0141). There is no suggestion in Coffman that this "Q&A Log" lists an item. Consequently, the questions and answers that appear in the "Q&A Log" of Coffman do not disclose, "[receiving] a question associated with a listing for an item during the auction price-setting process, and [providing] an answer to the question via a communications network, the providing of the answer including publishing the question and the answer *on the listing for the item*," as recited in claim 1. (Emphasis added).

Furthermore, Coffman discloses that the questions and answers of the "Q&A Log" are "posted at the auction Web site" (Coffman, paragraph 0136). These questions and answers exist on a "question and answer web page" (Coffman, claim 2). A "question and answer web page" is clearly a separate and distinct web page for containing questions and answers. Applicants are unable to find any discussion in Coffman suggesting that questions and answers appear *on a listing for an item*. Thus, the questions and answers of Coffman do not disclose, "[receiving] a question associated with a listing for an item during the auction price-setting process, and [providing] an answer to the question via a communications network, the providing of the answer including publishing the question and the answer *on the listing for the item*," as recited in claim 1. (Emphasis added).

Therefore, for at least these reasons, Coffman discloses questions and answers on an authoring web page, and not "on a listing for an item." Accordingly, claim 1 and all claims dependent therefrom are patentable over Coffman. The same arguments that applied to claim 1 are also applicable to independent claims 5, 9 and 13 and their associated dependent claims.

Therefore it is respectfully requested the rejections of these claims be removed and the claims be placed in condition for allowance.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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By /  /

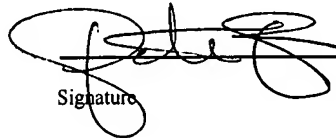
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